



**IN THE COURTS OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL INQUIRY**

Magistrate Dr.Yana Micallef Stafrace

Today the 14th of July 2025

The Police

Vs

Jithu James

The Court,

Having seen the charges against Jithu James, born on the 5th of October 1992, currently at Astra Crt, Flt 9, Triq it-Turisti, San Pawl il-Bahar and having Identification Number 215205A.

As you have been charged: with having on the 17TH October, 2023 at about 17:25hrs in triq il-Kunvent, Zabbar drove vehicle with registration number HBM-615;

1. Drove the mentioned vehicle in a dangerous manner Art 15 (1)(a)
2. Drove the mentioned vehicle in a negligent manner Art. 15 (1)(a)
3. Drove the mentioned vehicle in a reckless manner Artt. 15 (1)(a)
4. And through imprudence, carelessness, unskilfulness in his art or profession, or non-observance of regulations, and caused Hoang Duong Yen Vy involuntary grievous injuries without the effects mentioned in article 218 of Chapter 9 of the Laws of Malta as certified by Dr. Nicola Lanfranco of MDH.

The Prosecution requests that the mentioned person be disqualified from all his driving licenses.

The Court is humbly requested that in case of guilt, also deducts points from the driving licence, as indicated in S.L 65.18 Art 36B and in S.L. 65.18 Sixth Schedule.

Having seen that the accused choose not to give witness.

Having seen the oral submissions of the parties.

Having seen article 15(1)(a)(2) of Chapter 65 of the Laws of Malta, article 226(1)(b) of Chapter 9 of the Laws of Malta and S.L 65.18 Art 36B and in S.L 65.18 Sixth Schedule.

Having seen the acts, the witnesses and documentation produced in the case.

Considerations of this Court

PS825 Theodore Busuttil testified by means of an affidavit.

The Prosecutions request to change the location to December 13 Road Marsa in the charge sheet which was acceded to by the Court.

Dr. Nicola Lanfranco employed at Mather Dei Hospital testified by means of an affidavit.

Considerations of this Court

Michael Cluett testified the following:

Pros: So, Michael, were you involved in an accident?

Wit: Yes, on the 17th of October, 2023.

Pros: Okay, and where, please?

Wit: The 13th of December road Marsa.

Pros: Can you explain to the court what happened, please?

Wit: Yes. So, as I said, on this date, I was driving on this road on my way back to my residence from work. And as I was approaching the Pelican crossing, I saw that the traffic light was turning red. So I was driving on the right side of the road.

Court: You're driving from where to where, please?

Wit: I was driving from my work, which is in Santa Venera, but I had gone to Paola, that was driving back home to Pieta.

Court: So you're driving to Pieta?

Wit: Yes. Okay.

Court: Which road were you on, please? You're saying the 13th of December?

Wit: Yes.

Court: You mean the main road?

Wit: The main road.

Court: The main road outside of the villages as such?

Wit: The road which you just passed, the Nicca, there's the Niche, and then you come to a bridge and a Pelican crossing and on the right you have Marsa, on the left you have Hamrun, I believe yes. So I saw that the traffic light was turning red, so I slowed down to stop for the people who wanted to cross. I arrived at the line, I stopped, and the pedestrians had already started crossing because they had seen that I was reducing my speed, and also because the light had turned red. And as soon as I stopped, I saw in my right side mirror that there was a car heading towards me at an abnormal speed and this car, in fact, crashed into the back of my car and unfortunately, the secondary effect of this crash was that it threw my car forward and because of the force of the impact, and as a consequence, my car hit a woman who was crossing the Pelican crossing.

Court: So if you look around this room, can you see the room from your vision from where you are?

Wit: Yes not all of it, but I can.

Court: Someone has to move the camera around for him to the person who was driving. To see the person who was driving the car which hit you, please?

Wit: Yes, that's the person.

Court: Who is the person, please?

Wit: The person with the beard who's holding his hands and a paper Mr. James.

Court: The witness indicated the accused, and then what happened?

Wit: Yes, and then I immediately got out of my vehicle I called 112 for the ambulance I went to check on the woman who was on the floor and I immediately saw that she wasn't in a very good state. She was laid down on her back she was lying down straight, but she couldn't move she had some blood around her eyes, but she could speak and I told her that help was on the way and that's essentially what happened.

Court: Anything else, Inspector?

AdvL: Cross examination do we agree that you didn't have the handbrake on when you stopped?

Wit: No, I did not have the handbrake on because I had just stopped, in fact.

Adv: Okay, you didn't have the handbrake on, what car what vehicle were you driving?

Wit: I was driving a Smart 42.

Adv: Okay and do we agree that you didn't receive notifications regarding proceedings against you yet?

Wit: Against me? No, not yet.

Adv: Further cross examination reserved.

Shaun Debono testified as follows:

Pros: Inti kont involute f'xi incident?

Xhud: Le jiena kont qed naqsam mil-Marsa Dicembru 13 jiena u l-kelb u kelli ciniza ma genbi hekk.

Qorti: Meta hi d-data taf?

Xhud: Id-data insejtha konnha qeghdin fin-nofs tat-triq 2 karożzi weqfin ic-ciniza harget, il-kelb gibed lili lura il-karożza ta' wara waqla first u second għall-go dan u smexxija lic-ciniza ma l-art.

Qorti: Għall go dan min?

Xhud: Ta' wara faqa l-karożza ta' quddiem li kienet wieqfa u dan ta' quddiem faqa c-ciniza ma l-art kisser is-sinna id-darsa tal-kelb tieghi u jiena bqajt hemm għax ic-ciniza baqet ma l-art kien hemm ma nafx min kien ħargu bajda għdltu ċempel l-ambulanza u hekk għax ma kelliex mobile fuqi u għalaqna it-triq ċemplu l-ambulanza u lili bagħtuni.

Qorti: Inti x-xufier tat-tieni karożza tagħrfu?

Xhud: Ma qadtx nara għax jien intfajt hdejha dak il-ħin u mal-kelb kelli l-kelb miegħi aqqas ħarist lejha aqqas naf min hu fil-verità lilha jekk nagħrafha forsi nagħrafha lic-ciniza għax kellha wiċċha kollu demm.

Qorti: Xi ħaġa oħra mis-sinjur?

Avu: Le.

Considerations of this Court

That from the evidence brought forward, it emerges that the accused failed to maintain a proper lookout while driving, particularly in view of the presence of traffic lights regulating the flow of both vehicles and pedestrians. This lack of due attention and awareness, in circumstances that demanded heightened caution, constitutes a clear departure from the standard of care expected of a prudent driver. Such conduct gave rise to charges one (1), two (2), and three (3), and led to the grievous injuries sustained

by the victim, Hoang Duong Yen Vy, in the incident which forms the basis of charge four (4).

Decide

For these reasons and after having seen article 15(1)(a)(2) of Chapter 65 of the Laws of Malta, article 226(1)(b) of Chapter 9 of the Laws of Malta and S.L 65.18 Art 36B and in S.L 65.18 Sixth Schedule finds the accused Jithu James guilty of all the charges and collectively condemns him to a fine of four thousand Euros (4,000.00 Euros), a deduction of ten (10) points from the driving licence and disqualifies him from holding a driving licence for a period of three (3) months.

DR. YANA MICALLEF STAFRACE LL.D.
MAGISTRAT

Doris Serpina Sciberras
Deputat Registratur